IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1074 OF 1989
ALONGWITH
CROSS OBJECTIONS (ST.) NO. 6717 OF 1990
AND
CIVIL APPLICATION NO. 4851 OF 2003

The State of Maharashtra.] .. Appellant (Ori. Opponent.)

Versus

Shri Laxman Bhiva Patil] .. Respondent (Ori. Claimant)

Mr. K.K. Tated, GP, for the appellants.

Mr. R.S. Datar for the respondent.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ

DATED: 10TH AUGUST, 2004.

COMMON ORDER :

1. Appeal, along with the Cross Objections and the Civil Application, are disposed of by this common order. The lands are situated at Pendhar.

2. Notification under Section 4 was published on 3rd February, 1970.

(a) Award was passed on 14th February, 1986.

(b) Possession of the land was taken on 31st March, 1986.

(c) The Pune-Mumbai Highway from the land is situated at a distance of 480 meters.

2. Considering the judgment passed in First Appeal No. 757 of 2003 with Civil Application No. 514 of 2003 and First Appeal No. 1782 of 2002 along with Civil Application No. 1078 of 2004, the market value of the land is fixed at Rs. 25/- per square meter. Consequently, they are entitled to all consequential benefits under the Act.

3. In the light of the above, the following order:

(i) First Appeal No. 1074 of 1989 is dismissed.

(ii) Cross Objections (St.) No. 6717 of 1990 are partly allowed.

(iii)Civil Application No. 485 of 2003 is allowed and disposed of.

(iv)There shall be no order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]